



September 21, 2017

The Honorable John Koskinen  
Commissioner  
Internal Revenue Service  
1111 Constitution Avenue, NW  
Washington, DC 20224

Margaret Von Lienen  
Acting Director, Exempt Organizations  
Internal Revenue Service  
1111 Constitution Avenue, NW  
Washington, DC 20224

Dear Commissioner Koskinen and Acting Director Von Lienen:

The Campaign Legal Center (“CLC”) requests an immediate Internal Revenue Service investigation into the activities of the Foundation for Moral Law (“FML”), a Montgomery, Alabama-based organization holding tax-exempt status under Section 501(c)(3) of the Code. FML appears to have violated its tax-exempt status by repeatedly and expressly advocating the election of U.S. Senate candidate Roy Moore, who is the former president of FML, and whose wife is its current president.

CLC asks the Service to determine whether FML’s tax-exempt status should be revoked and whether excise taxes should be imposed on the organization and its managers.

An organization can qualify for tax exemption under Section 501(c)(3) of the Code only if “it does not participate in” or “intervene in” “any political campaign on behalf of” “any candidate for political office,” which includes individuals who have publicly announced an intention to seek election. This ensures that a charitable organization does not use its taxpayer subsidy to engage in political propaganda. However, for the last several months, FML has repeatedly used charitable resources to actively promote Moore’s U.S. Senate candidacy.

#### FACTS

FML is a legal organization that “represents individuals involved in religious liberties cases and files amicus curiae (friend-of-the-court) briefs in state and federal court”

and conducts educational seminars.<sup>1</sup> FML's website asks for "Tax-deductible contributions," which it says will "allow Foundation attorneys to continue the fight."<sup>2</sup>

FML maintains a website, <http://morallaw.org/>, and a Facebook page, <https://www.facebook.com/Foundation-for-Moral-Law-111608153140/>. The Facebook page states that it is "maintained by the staff of Foundation for Moral Law."<sup>3</sup>

According to FML's website, Roy Moore was president of the organization until January 2013, when he became Chief Justice of the Alabama Supreme Court, at which point his wife, Kayla Moore, assumed the title of president.<sup>4</sup> However, according to the website, at this time "[i]t was announced that Judge Moore would take the title of President Emeritus of the Foundation for Moral Law."<sup>5</sup>

On February 16, 2017, according to published reports, Moore indicated through a spokesperson that he "is being asked to run for several offices," including U.S. Senate, and is "weighing his options for the future."<sup>6</sup> On April 18, 2017, published reports indicated that Moore would make an "announcement" the following Wednesday, with the expectation that he would announce his candidacy for U.S. Senate.<sup>7</sup>

On April 19, 2017, FML sent an email that told subscribers to "[e]xpect an announcement next week about Chief Justice Moore's plans for the future" along with a link to the *U.S. News* article titled, "The Latest: Alabama Justice Mulling Run for Higher Office."<sup>8</sup>

On April 25, 2017, the day before Moore formally announced his candidacy, FML emailed its subscribers with an "UPDATE on our founder, JUDGE ROY MOORE," along with links to news articles titled, "What Role Will God Play in Alabama's Elections for Senator, Governor?" and "U.S. Senate Seat Race Heats Up," and to two articles both titled, "Roy Moore to Announce Plans on Wednesday."<sup>9</sup>

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<sup>1</sup> See "About the Foundation for Moral Law," <http://morallaw.org/about/> (accessed September 18, 2017).

<sup>2</sup> *Id.*

<sup>3</sup> Foundation for Moral Law, *About*, Facebook (accessed Sept. 19, 2017), <https://www.facebook.com/pg/Foundation-for-Moral-Law-111608153140/about/>.

<sup>4</sup> "About the Foundation for Moral Law," <http://morallaw.org/about/> (accessed September 18, 2017).

<sup>5</sup> *Id.*

<sup>6</sup> WAFF 48, *Roy Moore Considering New Public Office Options* (Feb. 16, 2017), <http://www.waff.com/story/34526993/roy-moore-considering-new-public-office-options>.

<sup>7</sup> J.B. Biunno and Debbie Williams, *Strange Challenger for Senate? Roy Moore to Make "Announcement" Wednesday, Sources Say*, CBS News 5 WKRG (Apr. 18, 2017), <http://wkrg.com/2017/04/18/strange-challenger-for-senate-roy-moore-to-make-announcement-wednesday-sources-say/>.

<sup>8</sup> Exhibit A; also available at Foundation for Moral Law, *From the Desk of Kayla Moore*, The Freedom Report: Official Newsletter of the Foundation for Moral Law (April 19, 2017), <http://us10.campaign-archive2.com/?u=b72e11e92141d4d6306c8aa3e&id=f5f813098e>.

<sup>9</sup> Exhibit B, also available at Foundation for Moral Law, *From the Desk of Kayla Moore*, The Freedom Report: Official Newsletter of the Foundation for Moral Law (April 25, 2017), <http://us10.campaign-archive2.com/?u=b72e11e92141d4d6306c8aa3e&id=06c0873c2a>.

On May 10, 2017, FML sent an email to subscribers titled, “Foundation for Moral Law First Quarter 2017 Report.”<sup>10</sup> The email newsletter stated that “the specially appointed Alabama Supreme Court released its decision in Chief Justice Moore’s case, and they affirmed the sentence suspending him from his office without pay for the rest of his term. But God, in His sovereignty and grace, has opened another door for Chief Justice Moore to run for higher office! What the enemy meant for evil, God worked for good.”<sup>11</sup> FML’s newsletter also provided updates on Moore’s speaking engagements, suggesting FML still considers him as playing an active role in the entity.<sup>12</sup> The May 10 newsletter concluded with a section titled “UPDATE on Our Founder: Chief Justice Moore’s Appeal and Future.”<sup>13</sup> In bold, underlined, italicized font, FML’s newsletter stated:

***The press and the public have been wondering for some time now whether the Chief Justice is going to run for a higher office, such as governor or senator. After prayerful consideration and consultation with many advisors, Chief Justice Moore will announce on Wednesday, April 26, that he will be running for U. S. Senate, replacing Senator Jeff Sessions who is now the U. S. Attorney General! At the Foundation, we believe that God, in His timing, vindicates the righteous. We believe that God has opened the door for Chief Justice Moore and we believe that he is going to win!***<sup>14</sup>

On July 15, 2017, FML’s Facebook page shared an image from “Christian Conservatives for Ted Cruz 2018 #1A” that stated, “Did you know? If Judge Roy Moore for U.S. Senate wins the #ALSen seat...Christian Conservatives gain two fighters for #Religious Freedom,” before proceeding to highlight Kayla Moore’s work as president of the Foundation.<sup>15</sup>

On August 2, FML’s Facebook page shared a post by Kayla Moore with an apparent FML press release responded a Senate Leadership Fund ad that had critiqued Moore’s relationship with FML.<sup>16</sup> The release, attributed to FML board member Judge John Bentley, went beyond challenging the ad’s allegations about FML and Senate Leadership Fund, and instead targeted Moore’s opponent. Bentley declared:

I am calling on Mr. Strange to demand this Ad be pulled from every station. If he fails to do so, he is personally endorsing this lie. In fact, I am personally joining the request to have Governor Ivey have the Alabama Ethics Commission look into all past and current dealings of Luther Strange. Luther has dropped to a new low by attacking our Foundation with gross distortions and untruths.<sup>17</sup>

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<sup>10</sup> Exhibit C, also available at Foundation for Moral Law, *Foundation for Moral Law First Quarter 2017 Report*, The Freedom Report: Official Newsletter of the Foundation for Moral Law (May 10, 2017), <http://us10.campaign-archive1.com/?u=b72e11e92141d4d6306c8aa3e&id=65589484cd>.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.* at 5 (see, e.g., Part D., “Speaking Opportunities and Special Projects”).

<sup>13</sup> *Id.*

<sup>14</sup> *Id.* (emphasis in original).

<sup>15</sup> Exhibit D, also available at Foundation for Moral Law, *Foundation for Moral Law shared Christian Constitutional Conservatives for Ted Cruz 2018 #1A’s photo*, Facebook (July 15, 2017), [https://www.facebook.com/permalink.php?story\\_fbid=10155181007658141&id=111608153140](https://www.facebook.com/permalink.php?story_fbid=10155181007658141&id=111608153140).

<sup>16</sup> Exhibit F, also available at Foundation for Moral Law, *Foundation for Moral Law shared Kayla Moore’s post*, Facebook (Aug. 2, 2017), [https://www.facebook.com/permalink.php?story\\_fbid=10155245178238141&id=111608153140](https://www.facebook.com/permalink.php?story_fbid=10155245178238141&id=111608153140).

<sup>17</sup> *Id.*

On August 6, 2017, FML's Facebook page shared a campaign image from the "Judge Roy Moore for U.S. Senate" official campaign page.<sup>18</sup> The image prominently included the Moore campaign's official logo.<sup>19</sup>

On August 12, 2017, FML's Facebook page posted a Judge Roy Moore for U.S. Senate campaign advertisement.<sup>20</sup> The ad, posted as a video to the Roy Moore for Senate YouTube page, consisted of an audio recording of Focus on the Family's Dr. James Dobson endorsing Moore for U.S. Senate and encouraging listeners to vote for Moore.<sup>21</sup> The audio recording ends with the statement, "paid for by Judge Roy Moore for U.S. Senate," and the video includes an image of Roy Moore's campaign logo and the statement, "paid for by Judge Roy Moore for U.S. Senate."<sup>22</sup>

Also on August 12, 2017, FML emailed its subscribers the "Official Newsletter of the Foundation for Moral Law."<sup>23</sup> The email included a link to a WVTM-NBC report that contested claims in Senate Leadership Fund's anti-Moore campaign ad.<sup>24</sup> The email also asserted that "Mitch McConnell and the Washington crowd clearly do not want a true conservative in the Senate they cannot manage or control," and stated that "the latest polls show former Alabama Supreme Court Chief Justice Roy Moore with a significant lead in the high-profile race to become Alabama's next U.S. senator."<sup>25</sup> The email also linked to a *New American* article promoting Moore titled, "In Senate Race, Alabama Judge Moore Takes on D.C. Establishment."<sup>26</sup>

On August 13, 2017, FML's Facebook page shared a post from the official "Judge Roy Moore for U.S. Senate" page that included a quote about events in Charlottesville,

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<sup>18</sup> Exhibit I, also available at Foundation for Moral Law, *Foundation for Moral Law shared Judge Ray Moore for U.S. Senate's post*, Facebook (Aug. 6, 2017), [https://www.facebook.com/permalink.php?story\\_fbid=10155256241198141&id=111608153140](https://www.facebook.com/permalink.php?story_fbid=10155256241198141&id=111608153140).

<sup>19</sup> *Id.*

<sup>20</sup> Exhibit J, also available at Foundation for Moral Law, *Foundation for Moral Law shared Judge Ray Moore for U.S. Senate's video*, Facebook (Aug. 12, 2017), [https://www.facebook.com/permalink.php?story\\_fbid=10155275134403141&id=111608153140](https://www.facebook.com/permalink.php?story_fbid=10155275134403141&id=111608153140); video available at Roy Moore for Senate, *Dr. James Dobson Endorses Ray Moore for Senate*, YouTube.com (Aug. 12, 2017), <https://www.youtube.com/watch?v=mecp0krfxOA>. Transcript of video included in Exhibit J.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> Exhibit K, also available at Foundation for Moral Law, *\$1.2 Million in one week*, The Freedom Report: Official Newsletter of the Foundation for Moral Law (Aug. 12, 2017), <http://us10.campaign-archive1.com/?u=b72e11e92141d4d6306c8aa3e&id=a058ad80f5>.

<sup>24</sup> *Id.*; WVTM-NBC report available at WVTM 13, *Fact Check: Roy Moore Attack Ads Alabama's Senate Race*, (Aug. 10, 2017), <http://www.wvtm13.com/article/fact-check-attack-ads-in-alabama-s-senate-race/11787994>.

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

Virginia.<sup>27</sup> That same day, FML’s Facebook page shared a post from Kayla Moore that included Moore’s image and that same campaign quote.<sup>28</sup>

On August 17, 2017, FML emailed its subscribers the “Foundation for Moral Law 2<sup>nd</sup> Quarter 2017 Report.”<sup>29</sup> The first paragraph of the FML quarterly report stated that “our Founder retired from serving as Chief Justice of the Alabama Supreme Court and is now running for the office of United States Senator.”<sup>30</sup> The FML email also included a standalone section providing an “Update on Our Founder,” and told subscribers that Moore’s suspension from the Alabama Supreme Court and Jeff Sessions vacating the Alabama U.S. Senate seat “left open a vacancy that our Founder believed God wanted him to pursue.”<sup>31</sup>

#### **SUMMARY OF THE LAW**

Section § 501(c)(3) states that public charities may not “participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office.” 26 U.S.C. § 501(c)(3).

Treasury regulations note that “Activities which constitute participation or intervention in a political campaign on behalf of or in opposition to a candidate include, but are not limited to, the publication or distribution of written or printed statements or the making of oral statements on behalf of or in opposition to such a candidate.” 26 C.F.R. § 1.501(c)(3)-1(c)(3)(iii).

Posts promoting a candidate on a web site controlled by a 501(c)(3) entity, like a Facebook page, are not treated differently from materials promoting a candidate distributed through print or broadcast. As the Service has previously explained:

A web site is a form of communication. If an organization posts something on its web site that favors or opposes a candidate for public office, the organization will be treated the same as if it distributed printed material, oral statements or broadcasts that favored or opposed a candidate.

An organization has control over whether it establishes a link to another site. When an organization establishes a link to another web site, the organization is responsible for the consequences of establishing and maintaining that link, even if the organization does not have control over the content of the linked site. Because the linked content may

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<sup>27</sup> Exhibit L, also available at Foundation for Moral Law, Foundation for Moral Law shared Judge Ray Moore for U.S. Senate’s post , Facebook (Aug. 13, 2017), [https://www.facebook.com/permalink.php?story\\_fbid=10155276167433141&id=111608153140](https://www.facebook.com/permalink.php?story_fbid=10155276167433141&id=111608153140).

<sup>28</sup> Exhibit M, also available at Foundation for Moral Law, Foundation for Moral Law shared Kayla Moore’s post , Facebook (Aug. 13, 2017), [https://www.facebook.com/permalink.php?story\\_fbid=10155277726903141&id=111608153140](https://www.facebook.com/permalink.php?story_fbid=10155277726903141&id=111608153140).

<sup>29</sup> Exhibit N, also available at Foundation for Moral Law, Foundation for Moral Law Second Quarter 2017 Report , The Freedom Report: Official Newsletter of the Foundation for Moral Law (Aug. 17, 2017), <http://us10.campaign-archive2.com/?u=b72e11e92141d4d6306c8aa3e&id=ca3c9b3947>.

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

change over time, an organization may reduce the risk of political campaign intervention by monitoring the linked content and adjusting the links accordingly.

Links to candidate-related material, by themselves, do not necessarily constitute political campaign intervention. All the facts and circumstances must be taken into account when assessing whether a link produces that result. The facts and circumstances to be considered include, but are not limited to, the context for the link on the organization's web site, whether all candidates are represented, any exempt purpose served by offering the link, and the directness of the links between the organization's web site and the web page that contains material favoring or opposing a candidate for public office.

Rev. Rul. 2007-41 (June 18, 2007); *see also* Fact Sheet 2006-17 (Feb. 2006).

According to Treasury regulations, "The term candidate for public office means an individual who offers himself, or is proposed by others, as a contestant for an elective public office, whether such office be national, State, or local." *See* Treas. Reg. § 1-501(c)(3)-1 (iii). The Service has also made clear that "Individuals who have publicly announced their intention to seek election to public office have clearly offered themselves as contestants for the office and are candidates within the meaning of IRC 501(c)(3)." *See* FY 2002 IRS Exempt Organizations Technical Instruction Program at 342, Judith E. Kindell and John Francis Reilly.

IRS guidance indicates that express advocacy activity is *per se* campaign intervention. *See* Rev. Rul. 2006-04 ("When an advocacy communication explicitly advocates the election or defeat of an individual to public office, the expenditure clearly is for an exempt function under § 527(e)(2)."). Non-express advocacy activity may be categorized as campaign intervention if it satisfies the Service's multi-pronged "facts and circumstances" inquiry. *See id.*

#### **FML HAS VIOLATED THE PROHIBITION ON A CHARITY INTERVENING IN AN ELECTION**

FML has, on multiple occasions, used tax-exempt resources to participate and/or intervene in Alabama's U.S. Senate election on behalf of, and in support of, Roy Moore—FML's President Emeritus and the husband of FML's current President, Kayla Moore.

FML has repeatedly used mass emails to distribute messages expressly promoting Moore's election to U.S. Senate. In its May 10, 2017 subscriber email, for example, FML declared in bold, underlined, and italicized font that "**Chief Justice Moore will announce on Wednesday, April 26, that he will be running for U. S. Senate, replacing Senator Jeff Sessions who is now the U. S. Attorney General! At the Foundation, we believe that God, in His timing, vindicates the righteous. We believe that God has opened the door for Chief Justice Moore and we believe that he is going to win!**"<sup>32</sup> FML's August 12, 2017 subscriber email asserted that "Mitch McConnell and the Washington crowd clearly do not want a true conservative in the Senate they cannot manage or control," and stated that "the latest polls show former Alabama Supreme Court Chief Justice Roy Moore with a significant

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<sup>32</sup> Exhibit C.

lead in the high-profile race to become Alabama's next U.S. senator.”<sup>33</sup> Other email newsletters promoted Moore’s election by previewing his formal announcement and sharing favorable news articles about his candidacy.<sup>34</sup> It does not appear that FML has included any messages favorable to Moore’s opponent, Luther Strange. Nor does it appear that the materials promoting Moore’s candidacy were substantially related to FML’s mission of engaging in litigation and education around religious liberty.<sup>35</sup>

FML’s Facebook page has also reposted official campaign materials from the Judge Roy Moore for U.S. Senate page, including an audio advertisement expressly advocating Moore’s election and paid for by the Moore campaign,<sup>36</sup> and an official campaign image featuring the Moore for U.S. Senate campaign logo.<sup>37</sup> FML’s Facebook page has also reposted official statements from the Judge Roy Moore for U.S. Senate page,<sup>38</sup> and a Facebook post from a third-party group that included the functional equivalent of express advocacy in support of Moore’s election.<sup>39</sup>

FML’s newsletters that include messages expressly advocating for Moore’s election and its re-posting of campaign material on its Facebook page unequivocally constitute campaign intervention. It is clear that FML repeatedly used tax-exempt resources for prohibited political intervention purposes.

Accordingly, FML appears to have violated provisions of Section 501(c)(3). Violations of the prohibition against campaign intervention can result in revocation of tax-exempt status and the imposition of excise and other taxes. *See* 26 U.S.C. §§ 4945, 4955; IRS Fact Sheet 2006-17.

Accordingly, the Service could revoke or deny FML’s charitable status. Under Section 4955 of the Code, the Service could also impose a 10% tax on each political expenditure,<sup>40</sup> payable by the organization. *See* I.R.C. § 4955(a)(1). In our view, both actions would be appropriate.

### CONCLUSION

As set forth above, the Foundation for Moral Law appears to have violated the Section 501(c)(3) prohibition against participating or intervening in a political campaign by using its resources to support and expressly advocate on behalf of Roy Moore. The IRS should promptly investigate the Foundation and take appropriate action, including

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<sup>33</sup> Exhibit K.

<sup>34</sup> Exhibit A,B.

<sup>35</sup> Additionally, the email newsletters in mid-April promoting Moore’s candidacy before he formally declared, *see* Exhibits A-B, are still prohibited under the Code. An individual is considered a “candidate” if they have announced an intention to be a contestant for office, *see* FY 2002 IRS Exempt Organizations Technical Instruction Program at 342, and Moore had declared such an intention in February 2017, *see supra* note 6.

<sup>36</sup> Exhibit J.

<sup>37</sup> Exhibit I.

<sup>38</sup> Exhibit L,M.

<sup>39</sup> Exhibit D.

<sup>40</sup> The term “political expenditure” is defined in I.R.C. 4955(d)(1) as “any amount paid or incurred by a section 501(c)(3) organization in any participation in, or intervention in . . . any political campaign on behalf of . . . any candidate for public office.”

revocation of the Foundation's Section 501(c)(3) tax-exempt status and imposition of applicable taxes.

Respectfully submitted,



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Attachments



# EXHIBIT A

Foundation for Moral Law, *From the Desk of Kayla Moore*, The Freedom Report: Official Newsletter of the Foundation for Moral Law (Apr. 19, 2017), <http://us10.campaign-archive2.com/?u=b72e11e92141d4d6306c8aa3e&id=f5f813098e>

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Official FML Newsletter & Special Message from President Kayla Moore.

# The Freedom Report

Official Newsletter of the  
Foundation for Moral Law

FROM THE DESK OF  
KAYLA MOORE

**Expect an announcement next week about Chief Justice Moore's plans for the future:**

[US News & World Report](#)

[The Latest: Alabama Justice Mulling Run for Higher Office](#)

MONTGOMERY, Ala. (AP) — The Latest on suspended Alabama Chief Justice Roy Moore (all times local):  
[WWW.USNEWS.COM](http://www.usnews.com)

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[LC.org](#) April 19, 2017

Today, the Special Court of retired judges, sitting as the Alabama Supreme Court, issued its decision affirming the Court of the Judiciary's (COJ) September 30, 2016, opinion imposing a lifetime suspension for Chief Justice Roy Moore. "This opinion and the entire case against Chief Justice Moore is a tragedy. For the first time in the history of Alabama, a justice has been disciplined for issuing an Administrative Order. Under this system, no judge is safe to issue orders or render dissents. The system has to change, and politics should be removed from judicial decision making and disciplinary actions," said Mat Staver, Founder and Chairman of Liberty Counsel, which represents Chief Justice Moore.

This politically-motivated punishment has stripped Chief Justice Moore of all income and benefits since September 30, 2016. The "suspension" imposed against the Chief Justice is the longest suspension in the history of Alabama. The COJ admitted it did not have a unanimous vote to remove the Chief under COJ Rule 16, so the COJ suspended him for life. Removal or suspending for life is the same thing. **And now, the Special Court allows the COJ to violate its own rule.**

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Roy Moore's suspension upheld by Alabama Supreme Court; **decision next week on Senate race**

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### [Roy Moore's removal from office upheld by Alabama Supreme Court](#)

The Alabama Court of the Judiciary on Sept. 30, 2016 suspended Moore for the remainder of his term as...

AL.COM|BY [KENT FAULK](#)

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***No accident the Supreme Court FINALLY released the opinion in Chief Justice Moore's case 45 minutes before he holds a press conference! State government runs deep.....***

***Working for religious liberty for all and a better Alabama!***

***Foundation for Moral Law  
One Dexter Avenue  
Montgomery, Alabama 36104***

**Ph: [334.262.1245](tel:334.262.1245) • Fax: [334.262.1708](tel:334.262.1708)**

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# EXHIBIT B

Foundation for Moral Law, *From the Desk of Kayla Moore*, The Freedom Report: Official Newsletter of the Foundation for Moral Law (Apr. 25, 2017), <http://us10.campaign-archive2.com/?u=b72e11e92141d4d6306c8aa3e&id=06c0873c2a>

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Official FML Newsletter & Special Message from President Kayla Moore.

# The Freedom Report

Official Newsletter of the  
Foundation for Moral Law

FROM THE DESK OF  
KAYLA MOORE

**UPDATE on our founder, JUDGE ROY MOORE:**

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These secret proceedings that removed Moore from office for life have undermined the state's constitution requiring a honest and transparent hearing of facts that is open for public review. In this case Moore has been denied equal protection, the same offense his detractors accused him of trying to do to same-sex couples.



[Politics, public opinion permeates Moore suspension - Alabama Political Reporter](#)

By Bill Britt Alabama Political Reporter If there was any question that the removal of Alabama Supreme Court Chief Justice Roy Moore was politically motivated, the...  
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[What role will God play in Alabama's elections for senator, governor?](#)

In the aftermath of the Robert Bentley scandal, church leaders and political scientists believe that Alabama's...

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[U.S. Senate Seat Race Heats Up - Alabama News](#)

The U.S. Senate seat once held by Jeff Sessions is up for election. Political analyst Steve Flowers says there is one politician that may have a good chance of winning it. "Most people suspect former Chief Justice Roy Moore will enter the race on..."

ALABAMANews.NEWS

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## Roy Moore to Announce Plans on Wednesday

Suspended Alabama Chief Justice Roy Moore is preparing to announce his plans for the future.

| April 23, 2017, at 11:17 a.m.

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[Roy Moore to Announce Plans on Wednesday](#)

MONTGOMERY, Ala. (AP) — Suspended Alabama Chief Justice Roy Moore is preparing to announce his plans for the future.

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# EXHIBIT C

Foundation for Moral Law, *Foundation for Moral Law First Quarter 2017 Report*, The Freedom Report: Official Newsletter of the Foundation for Moral Law (May 10, 2017), <http://us10.campaign-archive1.com/?u=b72e11e92141d4d6306c8aa3e&id=65589484cd>

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Official FML Newsletter & Special Message from President Kayla Moore.

# The Freedom Report

*Official Newsletter of the  
Foundation for Moral Law*

FROM THE DESK OF  
KAYLA MOORE

May 10, 2017

RE: Foundation for Moral Law First Quarter 2017 Report

I am pleased to present to you the Foundation for Moral Law's first quarter report for 2017. Without your generosity, our ministry would not be possible. We are very grateful for your continued support and prayers. We have strived to do well with the investment that you have made in us. During the past quarter, the Foundation was involved in eight cases, two of which were pending before the United States Supreme Court, and all of which involve constitutional rights or other fundamental liberties. Second, we opposed potentially disastrous actions from both the executive and legislative branches at the state and national levels. We have also expressed support for legislation and public officials when appropriate. Third, we have hired two new staff members. Fourth, our founder and our staff members have had many chances to speak at public events and to participate in other special projects. Fifth, we are making improvements to the business side of the Foundation to maximize the effectiveness of our ministry. Finally, the specially appointed Alabama Supreme Court released its decision in Chief Justice Moore's case, and they affirmed the sentence suspending him from his office without pay for the rest of his term. But God, in His sovereignty and grace, has opened another door for Chief Justice Moore to run for higher office! What the enemy meant for evil, God worked for good.

## I. Last Quarter

I will provide a recap of what we did last quarter before discussing what God used us to do this quarter. In the fourth quarter of 2016, the Foundation was involved with eight cases, two of which were before the United States Supreme Court. As will be explained

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*Sterling v.* , we filed the *amicus* brief we were preparing last quarter, and we are awaiting the Court's decision on whether to grant certiorari. We are also awaiting a decision from the Fifth Circuit Court of Appeals in the case of *Barber v. Bryant*, in which we filed an *amicus* brief defending Mississippi's religious freedom law. The Fifth Circuit held oral argument in that case a few weeks ago, and we believe that they are leaning towards ruling in our favor. The only other case that has received a decision of some kind from last quarter's report was Chief Justice Moore's case, which outrageously was decided against him. Progress that has been made on the other cases is discussed more thoroughly below.

We also sent a letter to Auburn University concerning a school policy that had the potential to crush free speech, especially speech coming from Christians who disagree with homosexuality. So far, we have received no complaints from Auburn students about their free-speech rights being trampled. We were also monitoring a transgender bathroom bill in the Alabama Senate. We met with the sponsoring senator this quarter, who said that he was open to eliminating the bad parts of that bill. We also hired two new attorneys and an executive assistant, who have been very busy this quarter. Finally, our senior counsel, our president, and our founder all had multiple opportunities to travel and speak.

## II. This Quarter

### A. Litigation

During the first quarter of 2017, the Foundation has been involved in eight cases, two of which have been pending before the United States Supreme Court. First, the Foundation was involved in the case of *Gloucester County School Board v. G.G.*, transgender-bathroom case before the Supreme Court. The Fourth Circuit Court of Appeals had ruled that children in public schools must be allowed to use the restroom of their "perceived gender" rather than their biological sex. The Fourth Circuit made its decision on the narrow grounds: of deferring to a Department of Education regulation. The Supreme Court granted certiorari to determine how much deference should be given to the Department's interpretation of that regulation, but our *amicus* brief addressed the moral issues and the threat of harm to the children. Fortunately, when President Trump came into office, he abandoned the position of the Obama administration, reasoning that the governing law, Title IX, did not require schools to allow children to use the bathroom of their perceived gender. The Court then vacated the Fourth Circuit's decision and remanded the case for reconsideration in light of the Administration's change of position. Technically, this is a win for us. The Fourth Circuit's decision would have applied in Maryland, Virginia, West Virginia, North Carolina, and South Carolina, harming millions of children in the process. That decision now has no effect. We expect this case to return to the Supreme Court again at some point to address the merits, at which time we can again present the arguments set out in our *amicus* brief.

The second case is *Sterling v. United States*. As discussed in our last quarterly report, this case addresses religious freedom in the military. Marine LCpl. Monifa Sterling received a bad-conduct discharge, in part for failing to remove a Bible verse from her desk. After her sentence was affirmed by the Court of Appeals for the Armed Forces, LCpl. Sterling petitioned the United States Supreme Court for certiorari review. We filed an *amicus* brief in support of granting the petition, pointing out that LCpl. Sterling's case is only one of many abuses of religious freedom in the military that occurred under Barack Obama. We also urged the Court to consider that its interpretation of the Religious Freedom Restoration Act would affect not only our service members but also all Americans. The Foundation's *amicus* brief supported First Liberty Institute, which is handling LCpl. Sterling's case. The following groups also submitted *amicus* briefs along with ours: Chaplain Alliance for Religious Liberty; Christian Legal Society; American Association of Christian Schools; Association of Christian Schools International; The Ethics & Religious Liberties Commission of the Southern Baptist Convention; General Conference of Seventh-Day Adventists; The Lutheran Church—Missouri Synod; National Association of Evangelicals; National Hispanic Leadership Conference; and Queens

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ordered the government to file a response, which signals its interest in the case. We are currently awaiting the Court's decision.

Third, *Pidgeon v. Turner* the Foundation urged the Texas Supreme Court to reject the U.S. Supreme Court's tyrannical decision in *Obergefell v. Hodges*. The issue presented in *Pidgeon* is whether *Obergefell* requires the state and its subdivisions to provide spousal benefits to same-sex "married" couples in addition to marriage licenses. The Foundation, along with the Institute for Creation Research, submitted an *amicus* brief urging the Texas Supreme Court to reject *Obergefell* in its entirety as an illegitimate decision. Our *amicus* brief was essentially a condensed version of Chief Justice Moore's special concurrence in *Ex parte State of Alabama ex rel. Alabama Policy Institute*, 200 So.3d 495 (Ala. 2016). In that concurrence, Chief Justice Moore explained why *Obergefell* had no basis in the Constitution and why the Supremacy Clause actually *required* state judges to defy bad Supreme Court precedents when they are flatly contrary to the Constitution and divine law. Our brief was brought up at oral argument, and we look forward to seeing the Texas Supreme Court's decision soon. Justices from Alabama, Mississippi, and Louisiana have already stood up to *Obergefell*. We have invited the Texas Supreme Court to join them.

Fourth, the Foundation won a battle in Union City, Indiana. Union City is located on the border between Indiana and Ohio; each city has its own police department; the two departments cooperate with each other regularly. The Union City, Indiana police department had posted John 15:13 ("Greater love hath no man than this, that he lay down his life for his friends") inside the police station in an area where only the police officers could see it. Someone took a picture of the display and sent it to the anti-Christian Freedom From Religion Foundation ("FFRF"), which is located in Madison, Wisconsin. Citing precedents that were mostly inapplicable in Indiana, the FFRF sent a letter to the police department claiming that it had violated the Establishment Clause and demanded that the verse be removed. The police department's chaplain reached out to us asking for help. After doing the legal research, we told the police department that, under the relevant decisions from the United States Supreme Court and the federal circuit courts, it was highly unlikely that they would lose if the FFRF actually sued. We also offered to assist in their defense in the event they were sued. The police department consulted with the mayor and city council, which all agreed to let the verse remain up in the police department. Not only that, but after receiving our letter, the Ohio Union City Police Department decided to display the Ohio State Motto, "With God All Things Are Possible," on their police vehicles. Realizing they were beaten and that their scare tactic had backfired, the FFRF has not sued either the Indiana or Ohio police department since.

Fifth, the Foundation came to the aid of an employee of the United States Justice Department who was facing termination because, we believe, an Obama holdover had a vendetta against her because of her Christian faith.<sup>[1]</sup> The employee we assisted is a GS-14 in a management-level position in the Justice Department. She had a stellar career record and had always received positive annual performance reviews from her supervisors. However, last year, she said a prayer over a meal that was provided at a farewell luncheon for her division's summer interns. Shortly after that, a new supervisor, who was very liberal, was put over the division. The new supervisor chastised the employee for saying grace over a meal and ultimately caused her to be suspended without pay for three days, the first disciplinary action in the employee's 30-year career in federal service. Several months later, a new Obama appointee recommended that the employee be placed on probation, citing as one reason the prayer said at the meal. Shortly after that the supervisor recommended that the employee be terminated. By that time, President Trump had been inaugurated and Jeff Sessions confirmed as Attorney General. After interviewing the employee who was being persecuted, the Foundation wrote a letter and a fully documented memo to Attorney General Sessions and the new Assistant Attorney General who was over the employee's division. We alerted them about the matter and expressed concerns that Obama holdovers were persecuting Christians within the Justice Department, explaining the immorality and illegality of such actions. We got a phone call back from the Assistant Attorney General in charge of the division. He

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Department employee we helped has not been terminated.

Sixth, the Foundation offered to assist Attorney General Sessions in defending a bar complaint that the ACLU filed against him. During his Senate Confirmation hearings, Sessions was asked whether he had any contacts with the Russian government during the presidential campaign. The context of the question strongly implied that he was asked whether he had any communications as a Trump campaign surrogate, to which he replied “no.” After he was confirmed, reports surfaced that Sessions had two encounters with the Russian ambassador during the campaign. One was a brief encounter with other ambassadors during a Heritage Foundation event, and the other was a meeting where Sessions met in his capacity as a member of the Senate Armed Services Committee, not as a Trump surrogate. The ACLU then filed a bar complaint against Sessions, claiming that he should be disciplined for lying. The Foundation immediately wrote to Attorney General Sessions and offered to assist in his defense. We believe that the ACLU is attempting to do to Senator Sessions what the JIC did to Chief Justice Moore. The Foundation is located only a few blocks away from the Alabama State Bar, and our attorneys stand ready to assist the Attorney General in any way we can should he choose to accept our offer. *We recently received a handwritten note from General Sessions expressing his appreciation for our offer.*

Seventh, the Foundation was able to secure assistance for a Massachusetts father whose children were being forced to participate in school assignments involving participation in pagan religious practices despite his religious objections. As we mentioned in our last report, this father had two children in the Massachusetts public schools who had requested alternate assignments because the assigned work violated their religious beliefs. (One of these assignments involved creating an altar to the dead in honor of the Mexican holiday “Dia delos Muertos.”) We determined that we did not have the resources to take the case, but we did contact the Massachusetts group Mass Resistance, which specializes in activism pushing back against the LGBT agenda. They are usually not involved in religious liberty matters, but they agreed to help the parent when they heard about what had happened. We have since handed this case off to them, and we have been happy to hear that they were willing to pressure on the school administrators to give the father and his children the respect they deserve.

Eighth, we had an opportunity to craft a “personhood” suit as a way of attacking abortion. Over the last ten years, there has been a push within the pro-life movement to attack *Roe v. Wade* by passing legislation at the state level that defines the unborn child as a person. In *Roe*, the Supreme Court conceded that if the unborn child is a person, as that term is used in the Fourteenth Amendment, then the right to abortion collapses. The Court concluded that it did not consider an unborn child a “person” because: (1) the word “person” used elsewhere in the Constitution does not refer to unborn children, and (2) the Texas law at issue in *Roe* did not treat unborn children as persons in the fullest sense of the word. That language has led some within the pro-life movement to believe that if state law treats unborn children as persons, then the right to abortion collapses by *Roe*’s very terms. The movement to attack abortion this particular way is called the personhood movement. We have drafted a personhood suit under Alabama law. Should the right opportunity arise, we are prepared to file this suit to fight abortion as a direct attack on *Roe*.

## B. Executive and Legislative Matters

In addition to litigation, the Foundation has been fighting on other important fronts. On March 31, 2017, the Foundation sent a letter to Secretary of Defense James Mattis opposing the nomination of Col. Kristin Goodwin for the position of Commandant of Cadets at the Air Force Academy. Col. Goodwin is an open lesbian who is “married” to another woman. The Foundation opposed Col. Goodwin’s nomination because she did not set a proper moral example for the cadets. In addition, we argued: “By nominating an open lesbian who proclaims that she is married to another woman, the Department of Defense states its disregard for the fundamental moral order established by God, thus

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know, the Foundation is the only organization that sent a letter to Secretary Mattis objecting to Col. Goodwin's nomination.<sup>[2]</sup> Col. Goodwin still has to be confirmed by the Senate. We have forwarded our letter to the relevant committee members. We hope that the letter will awaken the conscience of the Republican Senate and compel the senators to vote no.

The Foundation has also been making a difference here in Alabama. Early in the state legislature's session, two of our employees met with a state senator who had introduced a bill ("SB1") designed to address the issue of "transgender bathrooms." That we felt would make the situation worse. When our employees met with the senator, he said he would be open to dropping the objectionable part of the bill. He also invited us to speak at a public hearing if the bill made it that far. The bill is stalled in committee, but we stand ready to testify publicly about the problem should the opportunity arise.

In addition, the Foundation drafted a letter endorsing SB186, which would grant parents equal access to their children in cases of divorce. As I am sure you know, when parents get divorced, the fathers often receive very limited visitation rights. SB186 would require judges to presume that equal or approximately equal physical custody (known as "shared parenting") would be in the child's best interests. This would give non-custodial parents, especially fathers, a fair opportunity to raise their child. Fatherlessness is an epidemic in the United States, but we have the chance to help fix that here in Alabama.

#### C. New Employees

The Foundation also hired two new employees: Dr. Rich Hobson and Win Johnson. Dr. Hobson has a Ph.D. in public administration. From 2001-2003, Dr. Hobson served as Chief Justice Moore's Director of the Administrative Office of Courts. He was fired after Chief Justice Moore was removed from the bench in 2003 but came to work at the Foundation as its Executive Director, where he stayed until 2012. In 2013, Chief Justice Moore again appointed Hobson as his Director of the Administrative Office of Courts. Shortly after Chief Justice Moore was suspended last year, acting chief justice Lyn Stuart fired Dr. Hobson in her quest to rid the judicial building of people loyal to Chief Justice Moore. The Foundation again hired Dr. Hobson, who has been making corporate, community, and individual contacts spreading the work and vision of the Foundation.

Win Johnson had been the deputy legal director of AOC under Rich Hobson. He was also the Chief of Staff to Chief Justice Moore from 2001-2003 and had been the Chief of Staff to the previous Chief Justice, Perry Hooper Sr., before that. Lyn Stuart fired Johnson the same day she fired Dr. Hobson. The Foundation hired Johnson, who has been working alongside Dr. Hobson. Johnson authored an *amicus* brief in Chief Justice Moore's appeal on behalf of eight Alabama judges who were concerned about how the ruling could affect them.

#### D. Speaking Opportunities and Special Projects

We have been blessed with many opportunities to speak this past quarter. On Inauguration Day, *Chief Justice Moore led the opening prayer at the Presidential Inaugural Prayer Breakfast in Washington, D.C.* He has also spoken at Liberty University School of Law (Lynchburg, VA); and to the Christian Home Educators of Colorado in Denver, CO (including a rally at the capitol building and a banquet); The Chief Justice or his wife have also spoken to the Alabama Republican Executive Committee Annual Meeting; a Beaumont Texas Church; River's Edge Church (Montgomery, AL); Whitesboro Church (Etowah County, AL); Open Door Baptist Church (Enterprise, AL); Westside Baptist Church (also in Alabama); and a church in Woodland, Alabama. Both Chief Justice Moore and his wife have given many interviews, both in person and by phone (especially for radio programs), all across the country.

Our senior counsel, Col. John Eidsmoe, testified at the Montana Senate committee hearing in opposition to a proposed change to Rule 8.4 of the Montana Rules of

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Lutherans for Life about abortion, (2) a Christian school in Great Falls about being pro-life in today's youth culture, and (3) to a Montana Lutheran Brethren church about the sanctity of life and western conservatism. In Utah, Col. Eidsmoe was the keynote speaker at an event hosted by Utah Eagle Forum, and spoke on free exercise of religion. He also spoke at Berean (Baptist) Church of Ogden, Utah, on the right to life. In St. Louis, MO, he spoke to the homeschool group Pillar Foundation. Finally, in Alabama, Col. Eidsmoe spoke at events hosted by the River Region Republican Club and the Autauga County Republican Club.

In addition to speaking, the Foundation has been involved with a number of special projects. We helped draft a petition on behalf of Lt. Col. Stacey Maxey (USAF) to the Board of Correction of Military Records. Lt. Col. Maxey had been disciplined after writing an article in *Stars and Stripes*, a private magazine that is read primarily by military personnel, that was critical of the repeal of "Don't Ask Don't Tell." Lt. Col. Maxey's case is still pending, but we are hoping for a favorable resolution. We have continued to advise Kevin Turley, a Christian who provides tours of national parks primarily to homeschooled children and their parents, after he was charged by the National Park Service with not obtaining a permit. We have continued to advise the conservative activists in Ohio that were interested in suing over Gov. Kasich's veto of the Ohio heartbeat bill that banned abortions after the baby developed a heartbeat.<sup>[3]</sup> We also advised a person who was interested in suing his local government over the constitutionality of red-light cameras.

The Foundation was represented by Col. Eidsmoe who spoke before the Health and Human Services Committee of the Alabama Senate in favor of HB98, a constitutional amendment explicitly stating that the Alabama Constitution does not provide the right to an abortion. We also testified against a bill requiring appointment rather than election of Alabama county school superintendents. Additionally, we coordinated an effort to resist the adoption in Alabama of revised ABA Model Rule 8.4, which provides that Christian attorneys cannot "discriminate" on the basis of sexual orientation. We helped a number of ministries and churches in drafting by-laws and securing tax exempt status. Chief Justice Moore and the Col are frequently asked to critique books and write forwards on worldview issues. We have continued to advise attorney Emmanuel Ogebe regarding an African Christian on death row in Indonesia. Finally, we advised Dr. Stuart Tankersley of the Alabama State Ethics Commission on the meaning of the term "or his designee" as it relates to heads of state agencies when lobbying before the Legislature.

Matt Clark, one of our staff attorneys, has also been involved in a number of special projects this quarter. First, he was admitted to the bars of the United States Supreme Court, the Eleventh Circuit Court of Appeals, and the United States District Court for the Northern District of Alabama. The Foundation now has two attorneys who are licensed to appear before the Supreme Court and the Eleventh Circuit, and we can now handle federal cases in the Northern District of Alabama. Clark has also been accepted as an Allied Attorney with Alliance Defending Freedom, which will further provide the Foundation with opportunities to be involved in constitutional cases here in Alabama. Along with Dr. Hobson, he also met with leaders from the grassroots organization Proposal 16, which has been urging the Alabama governor to invoke executive authority to refuse to enforce *Roe v. Wade* and its murderous progeny in the state. On the legislative front, we assisted a local conservative pro-life organization in providing live updates on its social-media pages on Pro-Life Day, during which the Alabama House of Representatives passed four pro-life/pro-family bills. We also spoke before the Health and Human Services Committee of the Alabama Senate in favor of HB95, which provided legal protection for Christian healthcare providers who did not want to take part in abortions. Clark also developed a tracking system for the Foundation to follow cases and legislation in which we are interested. The new tracking system will help ensure that the Foundation takes advantage of opportunities to be a voice for God and for the Constitution in critical situations. Finally, Clark spoke to the Montgomery Tea Party about the *amicus* brief he filed in Chief Justice Moore's appeal on behalf of Sanctity of Marriage Alabama.

#### E. Improvements on the Business Front



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currently working on a new addition to the building that will increase its value. In addition, we are reworking our webpage to make it easier for supporters to donate to us. Because people communicate online more than ever before, we want to make it as easy for them as possible to support the ministry here at the Foundation. Finally, we have installed a new state-of-the-art phone system, which has made it easier for us to do business.

### III. UPDATE on Our Founder: Chief Justice Moore's Appeal and Future

Finally, the biggest news from this quarter has to do with our founder, Chief Justice Moore. As I am sure you know, the Court of the Judiciary suspended him without pay for the rest of his term when he refused to automatically go along with the U.S. Supreme Court's decision on same-sex marriage. Represented by Liberty Counsel, Chief Justice Moore appealed to the Alabama Supreme Court, which in this case was composed of seven retired judges who had been appointed to hear this one case. They dragged the case out for months while the Chief continued to suffer financially. Finally, he scheduled a press conference for Wednesday, April 19 to point out the delay. Exactly one hour before the conference began, the court released its decision, and ruled against him on every issue. Chief Justice Moore condemned the court's decision as illegal, corrupt, and political. He maintained that he had done the right thing and expressed his faith that God was going to take care of him.

*The press and the public have been wondering for some time now whether the Chief Justice is going to run for a higher office, such as governor or senator. After prayerful consideration and consultation with many advisors, Chief Justice Moore will announce on Wednesday, April 26, that he will be running for U. S. Senate, replacing Senator Jeff Sessions who is now the U. S. Attorney General! At the Foundation, we believe that God, in His timing, vindicates the righteous. We believe that God has opened the door for Chief Justice Moore and we believe that he is going to win!*

This past quarter has been extremely productive. We are in awe of the opportunities that God has been giving us to make a difference for Him in the legal and political arenas. Thank you for your generosity; all of this would not have been possible without your investment in us. If you have any questions, please feel free to contact us. Thank you for your generosity, and may the Lord remember you for the good that you have enabled us to do.

Sincerely,  
Kayla Moore  
President

[1] In this case, as well as several of the others discussed here, we have to keep some of the details confidential.

[2] See Samantha Allen, *Bigots Condemn Appointment of Lesbian Air Force Commandant*, The Daily Beast (Apr. 3, 2017, 5:55 p.m. ET), <http://www.thedailybeast.com/articles/2017/04/03/bigots-condemn-appointment-of-lesbian-air-force-commandant.html> (noting that other Christian conservative groups had written articles complaining about Goodwin's appointment but listing only the Foundation as an organization that reached out to Secretary Mattis).

[3] This was mentioned in our last quarterly report. Some of the groups involved with this project include Eagle Forum, Faith2Action, Operation Rescue, Created Equal, the Black Pro-Life Coalition, and many grassroots organizations in Ohio.

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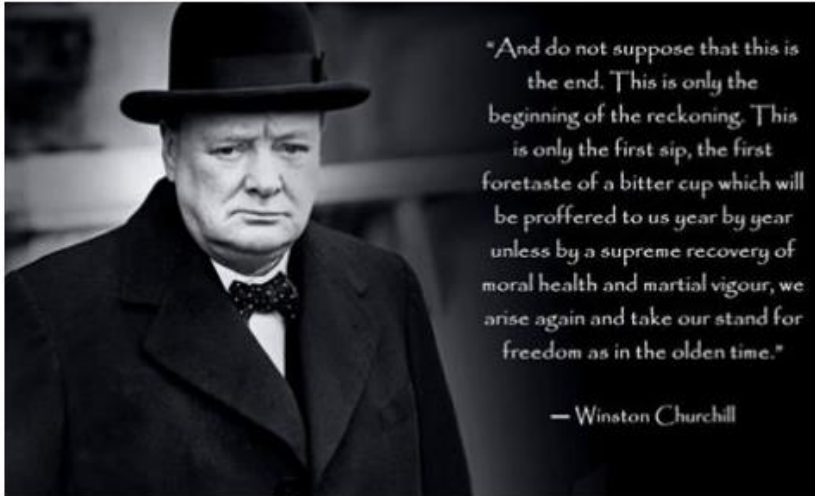
# EXHIBIT D

Foundation for Moral Law, *Foundation for Moral Law* shared *Christian Constitutional Conservatives for Ted Cruz 2018 #1A's* photo, Facebook (July 15, 2017), [https://www.facebook.com/permalink.php?story\\_fbid=10155181007658141&id=111608153140](https://www.facebook.com/permalink.php?story_fbid=10155181007658141&id=111608153140)



**Foundation for Moral Law** shared Christian Constitutional Conservatives for Ted Cruz 2018 #1A's photo.

July 15 · 🌐



"And do not suppose that this is the end. This is only the beginning of the reckoning. This is only the first sip, the first foretaste of a bitter cup which will be proffered to us year by year unless by a supreme recovery of moral health and martial vigour, we arise again and take our stand for freedom as in the olden time."

— Winston Churchill

**Christian Constitutional Conservatives for Ted Cruz 2018 #1A**

July 15 · 🌐

👍 Like Page

Did you know?

If Judge Roy Moore for U.S. Senate wins the #ALSen seat...

Christian Conservatives gain two fighters for #ReligiousFreedom

Kayla Moore is no stranger to fighting for our right to publicly acknowledge God. As the wife of Judge Roy Moore, Kayla was front and center during the Judge's battles with the ACLU and all those who seek to hide America's history as a Christian nation. Kayla has been on the front lines of the fight to protect our rights and is a strong advocate of the belief that the laws of man do not give us our rights, they simply protect our rights which are given to us by God.

In January 2013, Kayla answered the call to continue standing up for religious freedom when she was named President of the Foundation for Moral Law, taking over for her husband who was re-elected as Chief Justice of the Alabama Supreme Court. Prior to her taking office as President, Kayla served on the Foundation's Board of Directors.


Source: Foundation for Moral Law <http://morallaw.org/>


#DefendReligiousLiberty #ProtectReligiousLiberty #MooreSenate #ALSen #PJNET #1A

# EXHIBIT E

Foundation for Moral Law, *Foundation for Moral Law* shared Kayla Moore's post, Facebook (Aug. 2, 2017),

[https://www.facebook.com/permalink.php?story\\_fbid=10155243712968141&id=111608153140](https://www.facebook.com/permalink.php?story_fbid=10155243712968141&id=111608153140)

**Foundation for Moral Law** shared Kayla Moore's post.  
August 2 · 🌐


**Kayla Moore**  
August 2 · 🌐

Because Luther Strange is not doing as well as they had hoped, after all the money they have poured into this race... They have now stooped to the very low tactic of attacking me and the foundation. It is one thing to attack your opponent, which shows you are weak because you cannot run on your own merits. But it is quite another when you attack your opponents wife and organization that has fought liberals like SPLC and ACLU!

The Senate Leadership Fund appears to be an unscrupulous and unethical operation that composes ads with reckless disregard for the truth. Its President is Steven Law, a former Chief of Staff for Mitch McConnell and a close associate of Karl Rove.

We are meeting with counsel to demand a letter to withdraw the ad or face a defamation suit.

The allegations are completely false!



Alabama barraged by ads from Strange ally, Mo Brooks as super PAC starts attack on Moore


In the span of days, Alabama voters have seen three new ads in the Senate special election race.


AL.COM | BY AL.COM

# EXHIBIT F

Foundation for Moral Law, *Foundation for Moral Law shared Kayla Moore's post*, Facebook (Aug. 2, 2017),

[https://www.facebook.com/permalink.php?story\\_fbid=10155245178238141&id=111608153140](https://www.facebook.com/permalink.php?story_fbid=10155245178238141&id=111608153140)

**Foundation for Moral Law** shared Kayla Moore's post.  
August 2 · 🌐

**Kayla Moore**  
August 2 · 🌐

August 2, 2017

FOR IMMEDIATE RELEASE:  
Contact: Jessie Deem  
Contact Number: (334) 262-1245

FORMER CHAIRMAN OF THE FOUNDATION FOR MORAL LAW BLASTS  
SENATE LEADERSHIP FUND AD ATTACKING THE FOUNDATION AS  
"COMPLETE FABRICATION OF THE FACTS"

Judge John Bentley, former Chairman of the Foundation for Moral Law and current Board Member released the following statement Wednesday addressing the ad "FUNDS" released by Mitch McConnell's Senate Leadership Fund:

"As the Chairman of the Foundation for Moral Law during 2007-2013 and a current Board Member, I've asked our General Counsel to send a Cease and Desist letter to all stations airing this false Ad about our Foundation, Kayla Moore and Judge Moore. Furthermore, I've requested our General Counsel to prepare a defamation law suit against the Senate Leadership Fund in Washington and all consultants involved in the creation of this lie.

"Not only is the Ad a complete fabrication of the facts, it is an outright attack on our belief system - that moral law is the centerpiece of our Nation's founding principle. This Ad goes beyond the pale of politics and calls into question the character and integrity of Judge and the character of each individual that serves on the Board of our Foundation. The Ad falsely states salaries paid over the course of a decade as Judge Moore served our Foundation. Judge Moore has upheld his integrity over the course of his long career and our Foundation has fought for morality in our legal system - I refuse to let some corrupt politicians spread lies about us now.

"I am calling on Mr. Strange to demand this Ad be pulled from every station. If he fails to do so, he is personally endorsing this lie. In fact, I am so outraged that I am personally joining the request to have Governor Ivey have the Alabama Ethics Commission look into all past and current dealings of Luther Strange. Luther has dropped to a new low by attacking our Foundation with gross distortions and untruths.

"I have known Roy Moore since 1968 and know him to be a good and Godly man. May all Alabamians take a hard look at this election and keep fighting to preserve our moral integrity."

# EXHIBIT G



Foundation for Moral Law, *From the Desk of Kayla Moore*, The Freedom Report: Official Newsletter of the Foundation for Moral Law (Aug. 3, 2017), <http://us10.campaign-archive2.com/?u=b72e11e92141d4d6306c8aa3e&id=4cdee0422e>

[View this email in your browser](#)

Official FML Newsletter & Special Message from President Kayla Moore.

# The Freedom Report

*Official Newsletter of the  
Foundation for Moral Law*

FROM THE DESK OF  
KAYLA MOORE

FOR IMMEDIATE RELEASE

**The Foundation For Moral Law Demands that the Senate Leadership Fund Cease Running Defamatory Campaign Ad**

August 3, 2017

**Montgomery, AL** — The Foundation for Moral Law today sent a letter to the Senate Leadership Fund demanding that it cease and desist running its defamatory “Funds” campaign advertisement.

**Letter attached below:**



[McConnell's super PAC accused of 'defaming' Roy Moore](#)

There are many who believe a Sen. Roy Moore of Alabama would be the establishment GOP's worst nightmare. After all, as a twice-removed Alabama Supreme Court chief justice (once over the Ten Commandments, once over biblical marriage),...  
MOBILE.WND.COM

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Steven Law President and CEO Senate Leadership Fund  
45 North Hill Drive - #100  
Warrenton, VA 20186

RE: Defamatory "Funds" campaign advertisement

Dear Mr. Law:

You and the Senate Leadership Fund (FEC ID # C00571703) are hereby directed to cease and desist all defamation of the character and reputation of the Foundation for Moral Law and its president, Kayla Moore, including running the "Funds" campaign advertisement that has recently appeared in Alabama media.

That voice-over for the "Funds" advertisement states the following:

Despite being one of the highest-paid judges in the nation, raking in more than \$170,000 a year, Roy Moore wanted more. So Roy and his wife took over a million dollars from a charity they ran, paying themselves a million dollars and spending even more on travel, including a private jet.

As the source for its accusation that Judge Moore and his wife "took over a million dollars," the ad cites the Foundation's Form 990s for the period 2005- 2013. The ad provides no source for the assertion that Judge Moore and his wife spent "even more on travel, including a private jet."

Judge Moore served as Chief Justice of the Alabama Supreme Court during the years 2001-2003 and 2013-16. The Foundation came into existence in 2003. Judge Moore received compensation from the Foundation during the years 2005-2012. He received no compensation from the Foundation during any time he was serving Foundation for Moral Law. The assertion in the ad that Judge Moore augmented his judicial salary with money from the Foundation is a flat lie.

The "Funds" ad accuses Kayla Moore personally of taking over a million dollars from the Foundation. From the beginning of the Foundation in 2003 through 2012, Kayla Moore received no income from the Foundation. In 2013, when her husband assumed the office of Chief Justice of the Alabama Supreme Court, she became President of the Foundation, receiving a salary of \$65,000 for that year. That is a far cry from one million dollars.

The Foundation for Moral Law demands that you immediately cease and desist your unlawful defamation of the character and reputation of the Foundation and its president. If you do not comply with this cease and desist demand, the Foundation is entitled to seek monetary damages and equitable relief for your defamation.

Yours truly,  
Matthew J. Clark  
Staff Attorney Licensed in Virginia and Alabama  
[matt@morallaw.org](mailto:matt@morallaw.org)

*[Working for religious liberty for all and a better Alabama!](#)*

***Foundation for Moral Law***

One Dexter Avenue  
Montgomery, Alabama 36104

Ph: 334.262.1245 • Fax: 334.262.1708  
[www.morallaw.org](http://www.morallaw.org)

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We depend on your support to fight for freedom. Join us today!

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**Don't forget to order your car tags and help support what we do here at the Foundation for Moral Law!**

This flag dates back to the revolution and is called the Gadsden Flag: The rattlesnake symbol was first officially adopted by the Continental Congress in 1778 when it approved the design for the official Seal of the War Office (at that time and for many years thereafter, the War Office was a term associated with the Headquarters of the Army). At the top center of the Seal is a rattlesnake holding a banner which says: "This We'll Defend". According to the US Army's Institute of Heraldry, "'This We'll Defend,' on a scroll held by the rattlesnake is a symbol depicted on some American colonial flags and signifies the Army's constant readiness to defend and preserve the United States.' This design of the War Office Seal was carried forward—with some minor modifications—into the subsequent designs for the War Department's Seal, and the Department of the Army's Seal, Emblem, and Flag. As such, the rattlesnake symbol has been in continuous official use by the US Army for over 236 years.

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Kayla Moore  
President



John Eidsmoe  
Senior Counsel & Resident Scholar

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# EXHIBIT H

Foundation for Moral Law, *Foundation for Moral Law shared Kayla Moore's post*, Facebook (Aug. 3, 2017),

[https://www.facebook.com/permalink.php?story\\_fbid=10155247967633141&id=111608153140](https://www.facebook.com/permalink.php?story_fbid=10155247967633141&id=111608153140)



**Foundation for Moral Law** shared Kayla Moore's post.

August 3 · 🌐



**Kayla Moore**

August 3 · 🌐

Via: Certified Mail;  
FOR IMMEDIATE RELEASE

The Foundation For Moral Law Demands that the Senate Leadership Fund  
Cease Running Defamatory Campaign Ad

August 3, 2017

Montgomery, AL — The Foundation for Moral Law today sent a letter to the  
Senate Leadership Fund demanding that it cease and desist running its  
defamatory "Funds" campaign advertisement.

Letter being sent to all media outlets.

# EXHIBIT I

Foundation for Moral Law, *Foundation for Moral Law shared Judge Roy Moore for U.S. Senate's post*, Facebook (Aug. 6, 2017),

[https://www.facebook.com/permalink.php?story\\_fbid=10155256241198141&id=111608153140](https://www.facebook.com/permalink.php?story_fbid=10155256241198141&id=111608153140)



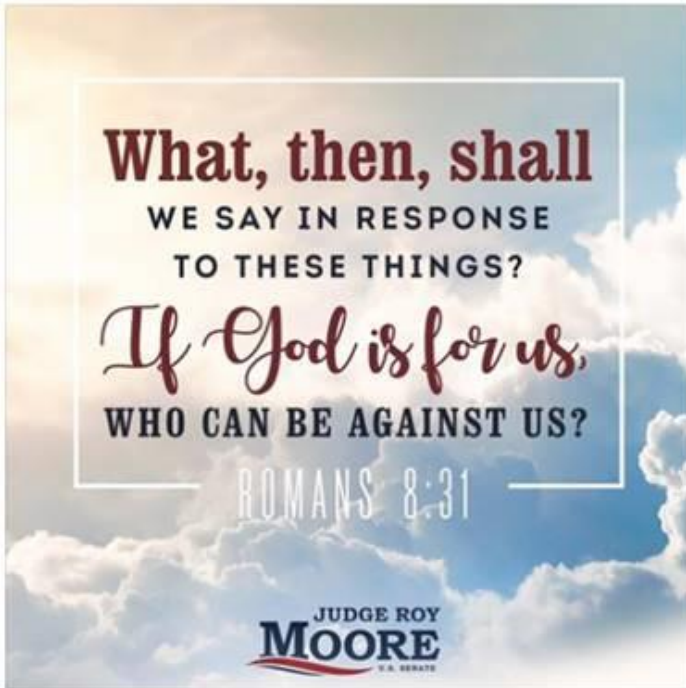
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**Foundation for Moral Law** shared Judge Roy Moore for U.S. Senate's post.  
August 6 at 7:43pm · 🌐




**What, then, shall**  
**WE SAY IN RESPONSE**  
**TO THESE THINGS?**  
*If God is for us,*  
**WHO CAN BE AGAINST US?**  
ROMANS 8:31  
JUDGE ROY  
**MOORE**  
U.S. SENATE

**Judge Roy Moore for U.S. Senate**  
August 6 at 4:47pm · 🌐

This great country of ours is a sacred land. It wasn't put here for our purposes but for His purposes, and we must take a stand.

In doing so, the very gates of hell will undoubtedly open up against us. But have no fear — if He is for us, who can possibly stand against us?

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 7



# EXHIBIT J

Foundation for Moral Law, *Foundation for Moral Law shared Judge Roy Moore for U.S. Senate's video*, Facebook (Aug. 12, 2017),

[https://www.facebook.com/permalink.php?story\\_fbid=10155275134403141&id=111608153140](https://www.facebook.com/permalink.php?story_fbid=10155275134403141&id=111608153140)





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DR. JAMES DOBSON  
FOUNDER AND CHAIRMAN  
FOCUS ON THE FAMILY  
ENDORSES  
JUDGE ROY MOORE  
U.S. SENATE

46,683 Views

**Judge Roy Moore for U.S. Senate**  
August 12 at 7:24pm · 🌐

"I've known Judge Moore for over 15 years and I know him to be a man of proven character and integrity. I often ask God to raise up men and women of faith who will govern the nation with biblical wisdom. I believe Judge Moore to be such a man for this time." - Dr. James Dobson

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Chronological ▾

## **Transcript**

*Dobson:* Hello everyone, I'm Doctor James Dobson and I want to talk to you about the Senate candidacy of Judge Roy Moore, whom I've known for more than 15 years. I can tell you he's a man of character and integrity. I often pray that God will raise up men and women of faith. I believe Judge Moore to be such a man for this time. He has stood solidly for the sanctity of human life, traditional marriage, and religious liberty. It's regretful that the Senate Leadership Fund in Washington is trying to smear the good name of Judge Moore and his wife Kayla. I can vouch for him as a man who will bring honor to the United States Senate. It's my pleasure as a private individual to endorse Judge Roy Moore for the U.S. Senate. Please go to the polls this Tuesday, August 15<sup>th</sup> and vote.

*Voiceover:* Paid for by Judge Roy Moore for U.S. Senate.

Roy Moore for Senate, *Dr. James Dobson Endorses Roy Moore for Senate*, YouTube (Aug. 12, 2017), <https://www.youtube.com/watch?v=mecp0krfxOA>.

# EXHIBIT K

Foundation for Moral Law, *\$1.2 Million in one week*, The Freedom Report: Official Newsletter of the Foundation for Moral Law (Aug. 12, 2017),  
<http://us10.campaign-archive1.com/?u=b72e11e92141d4d6306c8aa3e&id=a058ad80f5>

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Official FML Newsletter & Special Message from President Kayla Moore.

# The Freedom Report

Official Newsletter of the  
Foundation for Moral Law

*\$1.2 Million is being spent this week alone to attack the Foundation for Moral Law and Judge Moore's wife over a campaign for U. S. Senate. Channel 13 out of Birmingham, Alabama does an investigative report which shows the ad and allegations to be false and why a defamation lawsuit is possible in the near future:*



[Fact Check: Roy Moore attack ads Alabama's Senate race](#)

WVTM13.COM

**\$1.2 Million in one week, attachment below:**

[Super PAC backing Luther Strange spent \\$1.2M this week - Alabama Today](#)

Committee cash is continuing to pour into support for Luther Strange a week out from the special primary election for Attorney General Jeff Sessions' former...  
ALTODAY.COM

**Why?**

Despite a fierce assault by the establishment and Senate Majority Leader Mitch McConnell, the latest polls show former Alabama Supreme Court Chief Justice Roy Moore with a significant lead in the high-profile race to become Alabama's next U.S. senator.

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#### [In Senate Race, Alabama Judge Moore Takes on D.C. Establishment](#)

Despite a fierce assault by the establishment and Senate Majority Leader Mitch McConnell, the latest polls show former Alabama Supreme Court Chief Justice Roy...  
THENEWAMERICAN.COM

*Not only have they wrongly attacked Judge Moore with false ads because they are losing this race, they have attacked his wife and the Foundation for Moral Law, a Christian organization which has worked tirelessly to defend Religious Liberty.*

*Mitch McConnell and the Washington crowd clearly do not want a true conservative in the Senate they cannot manage or control.*

*We have met with attorneys and looking into a defamation lawsuit against the Senate Leadership PAC. Kayla Moore and the Foundation for Moral Law are not running for U. S. Senate, they have gone too far!*

*For the record: Judge Moore does not work for the Foundation for Moral Law and has not since he was elected Chief Justice in 2012. His wife never worked for the Foundation for Moral Law before 2013 which was after Judge Moore took office.*

*Working for religious liberty for all and a better Alabama!*

#### **Foundation for Moral Law**

One Dexter Avenue  
Montgomery, Alabama 36104

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[www.morallaw.org](http://www.morallaw.org)

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This flag dates back to the revolution and is called the Gadsden Flag: The rattlesnake symbol was first officially adopted by the Continental Congress in 1778 when it approved the design for the official Seal of the War Office (at that time and for many years thereafter, the War Office was a term associated with the Headquarters of the Army). At the top center of the Seal is a rattlesnake holding a banner which says: "This We'll Defend". According to the US Army's Institute of Heraldry, "'This We'll Defend,' on a scroll held by the rattlesnake is a symbol depicted on some American colonial flags and signifies the Army's constant readiness to defend and preserve the United States.' This design of the War Office Seal was carried forward—with some minor modifications—into the subsequent designs for the War Department's Seal, and the Department of the Army's Seal, Emblem, and Flag. As such, the rattlesnake symbol has been in continuous official use by the US Army for over 236 years.

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Kayla Moore  
President



John Eidsmoe  
Senior Counsel & Resident Scholar

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[!\[\]\(e3f255517d37bb309a3a931ec4849e6a\_img.jpg\) MoralLaw.org](#)



# EXHIBIT L

Foundation for Moral Law, *Foundation for Moral Law shared Judge Roy Moore for U.S. Senate's post*, Facebook (Aug. 13, 2017),

[https://www.facebook.com/permalink.php?story\\_fbid=10155276167433141&id=111608153140](https://www.facebook.com/permalink.php?story_fbid=10155276167433141&id=111608153140)



**Foundation for Moral Law** shared Judge Roy Moore for U.S. Senate's post.

Yesterday at 7:56am · 🌐



**Judge Roy Moore for U.S. Senate**

Yesterday at 7:38am · 🌐

The violence and hatred behind the events in Charlottesville is unacceptable and must be stopped. These inexcusable acts will only cause more violence and division in our communities. Now is the time to turn to God and ask Him to change hearts and heal our land. My prayers go out to those innocent victims involved.

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💬 Comment

➦ Share

👍 6

# EXHIBIT M

Foundation for Moral Law, *Foundation for Moral Law* shared Kayla Moore's post, Facebook (Aug. 13, 2017), [https://www.facebook.com/permalink.php?story\\_fbid=10155277726903141&id=111608153140](https://www.facebook.com/permalink.php?story_fbid=10155277726903141&id=111608153140)

**Foundation for Moral Law** shared Kayla Moore's post.  
August 13 at 6:44pm · 🌐



THE VIOLENCE AND HATRED  
BEHIND THE EVENTS IN CHARLOTTESVILLE  
IS UNACCEPTABLE AND MUST BE STOPPED.  
THESE INEXCUSABLE ACTS WILL ONLY CAUSE MORE  
VIOLENCE AND DIVISION IN OUR COMMUNITIES.  
NOW IS THE TIME TO TURN TO GOD AND ASK HIM TO  
CHANGE HEARTS AND HEAL OUR LAND.  
MY PRAYERS GO OUT  
TO THOSE INNOCENT VICTIMS INVOLVED.

JUDGE ROY MOORE

**Kayla Moore**  
August 13 at 4:40pm · 🌐

# EXHIBIT N

Foundation for Moral Law, *Foundation for Moral Law Second Quarter 2017 Report*, The Freedom Report: Official Newsletter of the Foundation for Moral Law (Aug. 17, 2017), <http://us10.campaign-archive2.com/?u=b72e11e92141d4d6306c8aa3e&id=ca3c9b3947>

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Official FML Newsletter & Special Message from President Kayla Moore.

# The Freedom Report

*Official Newsletter of the  
Foundation for Moral Law*

August 17, 2017

RE: Foundation for Moral Law Second Quarter 2017 Report

I am pleased to present to you the Foundation for Moral Law's second quarter report for 2017. Without your generosity, we would not be able to take the opportunities that God is giving us to make a difference for Him in the legal and political arenas. We know that you have made a generous investment in us, and we are striving to be good stewards of the funds that you have entrusted to us. We therefore hope that you will be pleased with the progress you see in this report. During the past quarter, there were victories in six cases in which the Foundation had been involved, two of which were pending before the United States Supreme Court. The Foundation also took action in five new cases, one of which was pending before the United States Supreme Court. The Foundation also laid the groundwork to get involved in eleven more cases and witnessed development in four older cases. The Foundation also supported good legislation and opposed bad legislation on the national and state levels. Furthermore, our Founder authored a new book, which was an adaptation of his special writing in the API case. We also had the opportunity to be involved with numerous projects, and our staff was blessed with multiple opportunities to speak. Finally, after the Alabama Supreme Court essentially forced him out of office for standing up for marriage, our Founder retired from serving as Chief Justice of the Alabama Supreme Court and is now running for the office of United States Senator.

## I. Last Quarter

Before discussing what God used us to do this quarter, here is a recap of the last quarterly report. During the last quarter, the Foundation was involved in the following eight cases:

- Gloucester County School Board v. G.G., in which the United States Supreme Court was considering whether federal law requires public schools to allow "transgender" students to use the bathroom of their choice;
- Sterling v. United States, in which a Marine asked the United States Supreme Court to consider whether the First Amendment and federal law protected her right to display a Bible verse on her desk;
- Pidgeon v. Turner, in which the Texas Supreme Court was asked to limit the United States Supreme Court's holding in Obergefell v. Hodges (the gay marriage decision) solely to the issue of marriage licenses and not to other aspects of marriage;
- In re Union City, Indiana, in which the Freedom from Religion Foundation had demanded that a police station remove John 15:13 ("Greater love hath no man than this, that he lay down his life for his friends") from being displayed;

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- A case in which a supervisor in the Justice Department was facing termination after saying a prayer of thanksgiving over a luncheon hosted for her summer interns;
- A case in which two public schools in Massachusetts were giving failing grades to Christian children who refused to participate in assignments involving pagan rituals; and
- A case in which we crafted a “personhood” lawsuit as a way of attacking abortion.

In addition to litigation, the Foundation also worked on the legislative and executive fronts. The Foundation sent a letter to Secretary of Defense James Mattis and the United States Senate opposing the nomination of Kristin Goodwin, an open lesbian, as Commandant of the Air Force Academy. We also met with a state senator who had introduced a bill addressing transgender bathrooms and suggested ways to fix it. In addition, we supported HB95 and HB98, two pro-life bills that passed the Alabama Legislature. We also supported SB186, which would give fathers a meaningful chance to be part of their children’s lives in the sad cases of divorce.

We also hired two new staff members: Rich Hobson and Win Johnson. Our staff members, President, and Founder had many opportunities to speak. Finally, the Alabama Supreme Court, comprised of seven retired (and unaccountable) judges released its decision against our Founder and upheld the judgment of the Court of the Judiciary. As we mentioned at the end of our last report, Judge Moore was about to announce his intentions regarding his future plans.

## II. This Quarter

### A. Cases

During the second quarter of 2017, the Foundation saw victory in six cases in which it had been involved. It also took action in five new cases, saw developments in four old cases, and began preparation for eleven new cases. Our caseload has increased dramatically over this past quarter due to the grace of God, the hard work of our staff, and the generosity of our donors.

#### 1. Victories

First, the United States Supreme Court ruled in favor of religious liberty in the case of *Trinity Lutheran Church of Columbia, Inc. v. Comer*, in which the Foundation had filed an amicus brief. In this case, a Missouri church had applied for a grant from the State to resurface the playground for its school. The grant program was open to everyone, but the State denied a grant to the church simply because it was a church. The church sued, claiming that exclusion from the program simply because of its religious identity was a violation of the Free Exercise Clause of the First Amendment. On November 4, 2015, the church petitioned the Supreme Court for certiorari review. The Foundation was one of the few organizations that filed an amicus brief asking the Court to take the case. The Court granted certiorari and ruled in favor of the church in a 7-2 decision. The Court’s opinion, which paralleled some of the arguments in the Foundation’s amicus brief, was a powerful reminder that government may not discriminate against religious organizations on the ground of their religious identity.

Second, the United States Supreme Court agreed to take the case of *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Comm’n*, in which the Foundation had filed an amicus brief. In this critically important case, a Colorado cake shop refused to bake a cake for customers of the same-sex who wanted a wedding cake. The cake shop’s owner, Jack Phillips, is a Christian. He could not provide the cake without violating his Christian beliefs. Legal action against Phillips was initiated, and the Colorado Court of Appeals eventually ruled against him. Represented by Alliance Defending Freedom, Phillips petitioned the United States Supreme Court for certiorari review. On August 22, 2016, the Foundation moved the Court for leave to file an amicus brief, urging the Court to take the case. The Court granted certiorari and will hear oral arguments next month, and it also granted our motion to file the brief. The Foundation was the only organization that filed an amicus brief urging the Court to take the case.

Third, the Texas Supreme Court ruled favorably in the case of *Pidgeon v. Turner*, in which the Foundation had filed an amicus brief. As mentioned above, the Texas Supreme Court in this case was considering whether to extend the Supreme Court’s ruling in *Obergefell v. Hodges* to the issue of financial marital benefits that were afforded to heterosexual married couples under Texas law. Along with the Institute for Creation Research, the Foundation filed an amicus brief urging the court to reject *Obergefell* altogether as unconstitutional. The court released its decision in June, declining to extend *Obergefell* beyond the issue of marriage licenses. Although the court did not go as far as the Foundation urged, it still came



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Fourth, the Fifth Circuit Court of Appeals ruled favorably in the case of Barber v. Bryant, in which the Foundation had filed an amicus brief. After the Supreme Court decided Obergefell v. Hodges in 2015, the State of Mississippi passed a law protecting the religious freedom of clergy, business owners, and government personnel who had religious objections to same-sex marriage. Gay activists sued the State, and a federal judge appointed by President Obama declared this religious freedom law unconstitutional. The State appealed to the Fifth Circuit, and the Foundation filed an amicus brief in the State's support. The Fifth Circuit reversed, finding that the plaintiffs did not have standing to bring the suit. While the State has the potential to be sued again, the Fifth Circuit's ruling means that religious liberty of persons objecting to same-sex marriage in Mississippi is safe for now.

Fifth, the Foundation got an abortion clinic in Montgomery to stop spraying a sidewalk counselor with a sprinkler. There is one abortion clinic here in Montgomery, and a faithful Christian frequently stands outside the clinic to try to talk the mothers out of allowing their children to be murdered. The abortion clinic frequently turns the sprinkler on to hit the Christian and attempt to drive him away. (Several years ago the clinic had sprayed a Christian counselor, and when he stepped on the grass to get away from the sprinkler, the clinic charged him with criminal trespass. The Foundation's attorneys defended him and won an acquittal in court.) After one of the workers bragged to an online magazine that she does that on purpose, the Christian came to us with that evidence. We wrote a demand letter on his behalf, telling the abortion clinic that their failure to cease spraying him may result in legal action. The abortion clinic did not write back to us, but it did stop spraying him.

Sixth, we had written in previous quarterly reports about a case in which a Christian group that provides tours of national parks, mostly to homeschooled children, was being charged by the National Park Service with giving tours without a permit, even though this group had done so for a long time. The Foundation believed the NPS was targeting this group because of its viewpoint on contested historical issues. The Foundation helped refer this group to an attorney in Louisiana, with a result of a total victory for the group.

## 2. New Cases

The Foundation also got involved in four new cases this past quarter. First, at the request of Alliance Defending Freedom, the Foundation filed an amicus brief urging the United States Supreme Court to take the case of Xue v. Sessions, in which a Chinese national is seeking asylum in the United States from religious persecution. The Court is scheduled to consider Xue's petition at the beginning of its next term.

Second, the Foundation has filed a motion to submit an amicus brief in the Mississippi case of Strickland v. Day. In this case, a former lesbian conceived a child during a "marriage" to her lesbian partner via assisted reproductive technology. After the child was born, the mother left the lesbian lifestyle and married a man. The former lesbian lover sought joint custody of the child, arguing that Mississippi law should recognize her as a parent in light of Obergefell v. Hodges. The case is now before the Mississippi Supreme Court. The Foundation filed a motion to submit an amicus brief, arguing that (1) the court is not required to presume that the lesbian is a "parent" because a woman cannot get another woman pregnant, and (2) the court should reject Obergefell altogether as having no basis in the Constitution. In 2015, two justices of the Mississippi Supreme Court argued that the court should consider whether to reject Obergefell as illegitimate. The Foundation is attempting to give the court that opportunity.

Third, the Foundation attempted to file an amicus brief in the Seventh Circuit case of Freedom From Religion Foundation, Inc. v. Concord Community Schools. In this case, the anti-Christian group Freedom From Religion Foundation sued an Indiana school because it wanted its annual Christmas program to focus on Christmas. (Go figure.) The Foundation attempted to file an amicus brief, educating the Seventh Circuit on what the Establishment Clause originally meant and urging the court to call on the Supreme Court to reexamine its erroneous precedents. The court denied our motion to file a brief, incorrectly believing that we were asking it to contravene Supreme Court precedent. Nevertheless, we felt it was worth the try. Someone had to protect the Christmas program from the grinch who stole the Establishment Clause.

Fourth, the Foundation pulled together a coalition of pro-life organizations in Alabama to file amicus briefs in an abortion case. The Alabama Court of Civil Appeals released an opinion in the case of In re Anonymous holding that a minor could abort her child. Believing that the District Attorney would petition the Alabama Supreme Court for review, the Foundation prepared an amicus brief and asked two other pro-life organizations in Alabama to do the same. We worked tirelessly around the clock to have quality amicus briefs ready to file as soon as the District Attorney asked the court to hear the case. Sadly, the District Attorney never filed the petition for review. We pray that the mother chose life. Our work on this case leaves us prepared to file amicus briefs in the next abortion case that the Alabama Supreme Court considers.

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because of President Trump's executive order defending religious liberty. The ACLU had threatened to sue, and the Freedom From Religion Foundation has filed a federal lawsuit in Wisconsin. The Foundation stands ready to assist the Justice Department in defending the executive order that protects the religious liberties of all Americans.

### 3. Old Cases

There were also developments in four old cases in which the Foundation had been involved. First, in the case of Gloucester County School Board v. Grimm, the United States Supreme Court remanded the case to the Fourth Circuit Court of Appeals to reconsider its ruling after the Trump administration took a different position than the Obama administration had. The Fourth Circuit is now reconsidering the issue of whether federal law requires public schools to allow transgender students to use whichever bathroom they please, regardless of the safety, privacy, and moral concerns involved. The Foundation had previously filed an amicus brief with the U.S. Supreme Court on behalf of the school board. When the case was remanded, the Foundation was the first organization to file an amicus brief at the Fourth Circuit in support of the school board, which argued that federal law does not require schools to permit transgender students to use whichever bathroom they prefer.

Second, the Foundation continued to assist the Massachusetts father whose children received failing grades for refusing to participate in assignments involving paganism. The father was finally able to meet with MassResistance, and the Foundation helped him submit all the necessary documentation to that organization.

Third, unfortunately the Justice Department fired the supervisor who said grace over a meal. The Foundation recently submitted a letter to Attorney General Sessions, asking him to reconsider her termination, and to Vice President Pence, drawing attention to this employee's case in light of President Trump's executive order.

Finally, the United States Supreme Court declined to hear the case of Sterling v. United States involving a U.S. Marine lance corporal who was court-martialed because she refused to remove Bible verses from her personal work space. The Foundation had submitted an amicus brief, along with the Chaplain Alliance for Religious Liberty, several states, many members of Congress, and several retired admirals and generals, asking the Court to take the case. The Court's decision is disappointing to say the least, but the Foundation did what it could to get the Court to stand up for the religious rights of our troops.

### 4. Preparation

Finally, the Foundation has made preparations to get involved in eleven new cases, several of which are before the United States Supreme Court. For the sake of brevity, we believe it is sufficient to say that all of these cases involve the right to acknowledge God or a strict originalist interpretation of the Constitution, which is what the Foundation exists to promote. Our staff has spent substantial time preparing to jump into these cases if and when the opportunities arise. God has not only blessed us with much work for this quarter, but appears that He is preparing to bless us with much work for the next quarter as well.

### B. Legislation

The Foundation also had some involvement on the legislative front on both the national and state level. On the national level, our Senior Counsel worked with Phyllis Schlafly's Eagles regarding fetal heartbeat legislation. Here in Alabama, our Senior Counsel also prepared and distributed testimony for Senate Education Committee regarding a Common Core bill. He also provided advice to a Christian conservative organization here regarding HB277, which would have subjected church-run daycares to licensing requirements, and worked with Alabama Eagle Forum, Alabama Citizens Action Program, and other groups for the defeat of this bill. Finally, the Foundation sent a letter to the Alabama Senate and the Governor urging them to reject HB440, which we feared would allow the state Department of Human Resources to take over Christian rehabilitation camps in this state. When the bill was signed into law, one of our attorneys published an article in the Alabama Political Reporter calling attention to the dangers of the bill and impliedly letting these camps know that the Foundation would be interested in coming to their defense. Finally, two of the Foundation's attorneys met with fellow Christian conservative activists at the end of the legislative session to strategize for the next session.

### C. New Book from Our Founder

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Institute (“API”) into a book. As you may recall, Judge Moore wrote a special concurrence in the API case, in which he presented a hard-hitting indictment of the U.S. Supreme Court’s abuse of power in *Obergefell v. Hodges*. Judge Moore’s special concurrence traced the history of how a series of bad decisions from the Supreme Court led to the outcome in *Obergefell*, highlighted the critiques of the dissenting justices in *Obergefell*, discussed how marriage is defined by God, and warned of the impending collision between *Obergefell* and religious liberty. Finally, Judge Moore’s special writing demonstrated how a lower court’s obligation is to uphold the United States Constitution itself, not erroneous Supreme Court precedents that have no basis in the Constitution. Judge Moore discussed the view of precedent during the founding era and demonstrated how precedents were supposed to be disregarded if they were manifestly absurd or unjust, or completely contrary to reason or divine law. Because *Obergefell* met all of those criteria, and because a state supreme court’s obligation is to uphold the Constitution itself, Judge Moore concluded that *Obergefell* was due to be rejected. Judge Moore’s book, *Abuse of Power*, is now in print and available on Amazon. The book is published by Good Morals, which is run by Martin Wishnatsky, one of our attorneys.

#### D. Speaking Engagements

Our Founder and staff have had many opportunities to speak this past quarter. Our Founder’s activities will be discussed in the last section of this report. Our Senior Counsel, John Eidsmoe, was the keynote speaker for the Alabama College Republican State Convention, as well as a speaker for the Huntsville Tea Party. He also spoke at multiple churches, including churches in Tampa, FL, Montgomery, AL, and Maple Grove, MN. He also spoke to a conservative ranchers group in western South Dakota. He also was also on the radio multiple times, speaking with Jerry Newcombe of Coral Ridge Ministries, Phyllis Schlafly’s Eagles, and twice on a Louisiana radio station.

The other attorneys at the Foundation had opportunities to speak as well. Martin Wishnatsky and Matthew Clark both had the opportunity to speak, on separate occasions, on a Montgomery radio talk show about recent Supreme Court decisions and other legal matters. Win Johnson, on his own initiative, held a press conference with Lori Mullins of COPE, a local pro-life organization, criticizing the decision of the Alabama Court of Civil Appeals in the Anonymous case discussed above. Johnson also criticized the District Attorney for not taking the fight for the child’s life to the Alabama Supreme Court. Further, Johnson and Mullins pleaded for the mother, as well as all Alabamians, to choose life and seek help from pro-life organizations in cases of unexpected pregnancy. Multiple news agencies reported about that.

#### E. Other Projects and Events

Around the beginning of this quarter, our Founder, President, and staff met with a delegation of representatives from the Parliament of Kazakhstan, who came to America desiring to meet people involved in governmental affairs and talk with them. That was a chance for us to talk to them about God, government, and the American Constitution. In addition, a group of students visited the Foundation from Cultural Leadership, an organization that looks at civil rights through the lens of the African-American and Jewish experience. Many of the students asked us questions from a liberal perspective, but their respect and courtesy gave us an opportunity for a friendly dialogue in which we got to share our worldview with them.

In addition, the Foundation received a grant from Alliance Defending Freedom to research which courts have implemented ABA Model Rule 8.4(g). The ABA recently adopted this model rule, which prohibits “discrimination” in the practice of law on the grounds of “gender identity,” “sexual orientation,” and “marital status.” ADF and the Foundation are concerned that this rule is designed to punish Christian attorneys who have religious and moral objections to homosexuality, same-sex marriage, and transgenderism. The Foundation therefore researched the status of every federal district and circuit court in the country to determine whether these courts had adopted Rule 8.4(g) and might use it against Christians. We recently submitted our results to ADF.

Furthermore, our Senior Counsel helped finish the petition for Col. Maxey, who was issued a letter of reprimand by the United States Air Force for criticizing the repeal of Don’t Ask, Don’t Tell. Col. Eidsmoe also helped a Montgomery citizen who was interested in challenging the constitutionality of red-light cameras. Moreover, he provided assistance to the Plymouth Rock Foundation concerning a trademark issue. He also wrote forewords or reviews for three new books. He has also continued to be very involved in his church and military duties.

Win Johnson has helped the Foundation create a better social-media presence, utilizing our Twitter account to draw attention to current issues. Win has also written articles on our webpage concerning euthanasia and free speech on college campuses. He has also been searching for opportunities to fight for the lives of the unborn here in Alabama. Finally, he has been preparing to work on a Legal-Political Strategies Group this year.

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Foundation is now prepared to handle any lawsuit that must be brought in federal court in this state. Clark also connected a woman who was fired by the FBI for her faith to the Christian Legal Society in order to help her find an attorney licensed to practice in Washington, D.C., to help her with her case. The Foundation also employed three interns this past quarter, all of whom did a phenomenal job contributing to our successes this quarter.

#### F. Update on Our Founder

As we mentioned in our last quarterly report, the Alabama Supreme Court upheld the suspension against Judge Moore for the remainder of his term. Around the same time, Jeff Sessions resigned as the junior U.S. Senator from Alabama in order to serve as President Trump's Attorney General. This left open a vacancy that our Founder believed God wanted him to pursue. Therefore, on April 26, 2017, Judge Moore announced his retirement from his position as Chief Justice of the Alabama Supreme Court and announced his candidacy for the United States Senate. Rich Hobson subsequently resigned from the Foundation in order to serve full time as Judge Moore's campaign manager. Judge Moore has spent much time on the campaign trail since his announcement and has been speaking in many places. The primary was August 15, he won that race but was not over the margin of 50% therefore will face a runoff on September 26..

#### IV. Conclusion

We have been asking God to give us more opportunities to take stands for Him, and He has been answering that request this past quarter. Thank you for your generosity. None of this would have been possible without your investment in the Foundation. If you have any questions, please feel free to contact us. Thank you for your generosity, and may the Lord reward you for the kindness that you have shown us.

Sincerely,

Kayla Moore

President

*Working for religious liberty for all and a better Alabama!*

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